

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In Re:

Beth J Ciaccio,

Debtor.

Case No. 18-31076  
Chapter 13  
Plan filed on November 5, 2018  
Confirmation Hearing: January 11, 2019  
Honorable A. Benjamin Goldgar

**OBJECTION TO CONFIRMATION OF PLAN**

NOW COMES Ditech Financial LLC (hereinafter referred to as "Creditor"), a secured creditor herein by its attorneys, Heavner, Beyers & Mihlar, LLC, and moves this Honorable Court for an Order denying confirmation of Debtor's plan filed November 5, 2018, and in support thereof states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. Section 1334 and Local Rule 40.3.1 of the United States District Court for the Northern District of Illinois.

2. Debtor filed a petition under Chapter 13 of Title 11, United States Bankruptcy Code on November 5, 2018. The Debtor's Chapter 13 Plan has not yet been confirmed.

3. That enforcement of this security interest has been stayed automatically by operation of 11 U.S.C. Section 362 of the Bankruptcy Code.

4. Said Creditor is a mortgage holder or servicer on the property commonly known as 1309 Patrick Dr, Mundelein, Illinois 60060.

5. That Creditor will file a Proof of Claim in the instant case estimated to total \$220,823.81 and listing an estimated pre-petition arrearage of \$1,815.08.

6. That the Debtor has used the District's model plan for her Chapter 13 plan and said model contains language negatively impacting the Creditor. Specifically, Part 3.1 of the plan provides that the mortgage arrears in the amount of \$0.00 will be paid to Ditech Financial LLC.

7. The above quoted portion directs payments which are substantially less than the amount owed to this Creditor pursuant to its soon to be filed Proof of Claim.

8. That if the plan is administered as written rather than as intended, Creditor would receive substantially less than its soon to be filed, secured Proof of Claim, in contravention of the provisions of the Bankruptcy Code.

9. Sufficient grounds exist for denial of confirmation of Debtor's plan:

a. Fails to cure Creditor's pre-petition arrearage claim amount in full.

WHEREFORE, this Creditor, Ditech Financial LLC, and/or its assigns, requests the Court enter an Order denying confirmation of the Debtor's Chapter 13 plan.

Dated this 7th day of December, 2018.

Ditech Financial LLC,

By: /s/ Zhiqi Wu  
Zhiqi Wu  
One of its attorneys

FAIQ MIHLAR (#6274089)  
HEATHER M. GIANNINO (#6299848)  
AMANDA J. WIESE (#6320552)  
ZHIQI WU (#6324870)  
CHERYL CONSIDINE (#6242779)  
HEAVNER, BEYERS & MIHLAR, LLC  
Attorneys at Law  
P.O. Box 740  
Decatur, IL 62525  
Email: bkdept@hsbattys.com  
Telephone: (217) 422-1719  
Facsimile: (217) 422-1754